

1 make it restrictive, but restrictive within a well defined
2 legal concept, that is, what is necessary for the preven-
3 tion of a breach of peace and what is necessary for the
4 safeguarding of public peace. That would be the only
5 restriction on man's absolute right to bail other than
6 these capital cases.

7 THE CHAIRMAN: Delegate Bothe.

8 DELEGATE BOTHE: As I understand the legal
9 authorities you cited in your answer to Delegate Scanlan's
10 question, disturbance of the public peace would involve
11 any act which interfered with the good order of the State.
12 For instance, I will give an example of a drunk and disor-
13 derly individual who wants to get out on bail, and who is
14 still in a condition where he might disturb the neighbor-
15 hood. Is it your intention to state by this provision
16 that a drunk would be entitled to bail as long as he
17 still was inebriated or in danger of going to another bar?

18 THE CHAIRMAN: Delegate Grant.

19 DELEGATE GRANT: The intention of this amend-
20 ment is essentially as described by Judge Child this
21 morning, of granting to the judge judicial discretion, and
if he felt that by judicial discretion the public peace